

## MEMORANDUM

**TO:** Superintendents and Principals  
**FROM:** Jason Callahan, Assistant Secretary of Student Pathways & Opportunities  
Lisa Truitt, State Attendance Officer  
**DATE:** May 29, 2019  
**SUBJECT:** Senate Enrolled Act SEA 108 – Education Matters (IC 20-26-11-32)

### Background:

The following guidance applies only to school districts that have adopted a policy allowing out-of-district transfer students to enroll at a school within the district.

Generally speaking, when a school district has adopted a policy allowing out-of-district students to enroll at a school within the district, the district may not deny enrollment to an out-of-district student except in limited circumstances. See IC 20-26-11-32. SEA 108 adds an additional provision allowing the governing body of a school corporation that has adopted a policy to allow for the enrollment of out-of-district students to deny enrollment to any out-of-district student who has a history of unexcused absences.

When an out-of-district student has had a history of unexcused absences and the governing body of the school corporation believes that, based upon the location of the student's residence, attendance would be a problem for the student if the student is enrolled with the school corporation, the school corporation may: (1) deny enrollment; (2) discontinue enrollment during a current or in a subsequent school year; or, (3) establish terms and conditions for enrollment or continued enrollment in a subsequent year.

If a student is denied enrollment, the school corporation must provide the student with adequate notice of the decision, including the basis for the belief that attendance would be a problem based on where the student resides, and a meaningful opportunity to be heard. Please be sure to consult with your school's attorney regarding the form of notice and manner in which the student may be heard on the decision.

### Guidance:

This is a local decision made by the school corporation's governing body.